



GARY E. JOHNSON
Governor

August 29, 1999

Ms. Patricia Madrid
Attorney General
P.O. Drawer 1508
Bataan Memorial Building
Santa Fe, New Mexico 87504-1508

State of New Mexico
Office of the Natural Resources Trustee

Dr. William M. Turner, Trustee
Steven Carr, Deputy Director

From: Post-it Fax Note 7871

Date 9/1/99	# of pages 10
To NEW ROCHES	From PAUL RITZMA
Co/Dept EPA	Co. NMED
Phone #	Phone #
Fax # 214 665-6648	Fax # FVI

ORIGINAL MAILED U.S. MAIL
COPY FAXED TO 505-827-5826

RE: LEGAL REPRESENTATION OF NATURAL RESOURCES TRUSTEE

Dear Attorney General Madrid:

You have negotiated a contract with contingency fee law firms on behalf of the Office of Natural Resources Trustee. I am the Trustee and you conducted negotiations on this contract behind closed doors. I was, as you know, denied any copies of the contract until it had been finally placed in force. I wrote to you on August 3, 1999 regarding my desire to amend the contract. I have had no response from you. I view your activities in regard to the contract negotiations as, at the very least, conspiratorial and a violation of the attorney-client relationship and legal ethics.

While on vacation, I note with dismay that, in my absence, both you and your staff have moved aggressively to usurp my authorities. It is my understanding that you have authorized the Branch Law Firm and out-of-state law firms to pursue legal action against a number of potentially responsible parties to collect natural resource damages in the name of the Natural Resources Trustee.

As I am sure you are aware, pursuant to both Federal and State law, I am the only person with the authority and power to bring legal actions to collect damages for injury to, destruction of or loss of natural resources. As I am sure you are further aware, the Natural Resources Trustee Act, NMSA 1978, Sections 75-7-1 *et seq.* provides that the New Mexico Attorney General shall provide legal counsel and representation to me and my office. You are not my representative for purposes of authorizing legal actions in my name or the name of my office.

At this time, you do not have my authorization to pursue any legal action nor is any law firm authorized to pursue any legal action in the name of the Natural Resources Trustee. This applies to any and all legal actions, however, inconsequential, whether in or out of court. I will regard any action on your part to initiate any causes of action on behalf of myself or my office as *ultra vires*.

Phone: (505) 827-1045
FAX: (505) 827-1049

1190 St. Francis Dr
P.O. Box 26110
Santa Fe, NM 87502



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Furthermore, it has come to my attention that you have forced the resignation of Mr. Charles de Saillen, our legal counsel on your staff. Mr. de Saillen is, among his colleagues nationally, a gentleman of the highest order and one of the finest environmental attorneys in the country. His forced resignation by you is, in my view, a great disservice to all New Mexicans.


Because of your removal of Mr. de Saillen, I must conclude that your office does not have any legal counsel on staff with the necessary environmental legal knowledge or experience to represent my office in its day to day activities and in negotiations we presently are engaged in with PRPs.

Therefore, though your office is required to provide legal counsel to my office, your office is now incapable of doing so. It will be necessary for me to apply to the State Legislature for authority to retain my own legal counsel.

I have enclosed with this letter a copy of a letter that has been sent to Mr. Branch and copied to the out-of-state law firms concerning this matter.

I regret that you have felt it necessary to operate in a clandestine manner rather than discussing these important environmental matters with me in a spirit of cooperation as I have tried to do for the past eight months. Perhaps we can still do so.

Sincerely,


Dr. William M. Turner
Natural Resources Trustee

Encl: Letter to Turner Branch, Esq.

cc: Girardi & Keese	213-977-0211
Engstrom, Libscomb and Lack	310-552-9434
Gallagher, Young, Lewis,	
Hampton & Downey	713-222-0066
Rosch & Ross	713-222-0906
Interested Parties	

CERTIFICATE OF DELIVERY

I, William M. Turner, hereby swear, affirm, certify and depose that I have mailed the hereinabove instrument and enclosure to the hereinabove addressee by U.S. Postal Service, postage prepaid, this 29th day of August, 1999.


William M. Turner